

## **M E M O R A N D U M**

**TO:** Governing Board Members

**FROM:** Terrie Bates, Assistant Deputy Executive Director, Water Resources

**DATE:** July 10, 2009

**SUBJECT:** **Deletion of Partial Delegation Authority to Collier County for No Notice General Permits**

### **RECOMMENDATION**

Adopt amendments to Rule 40E-400.315, F.A.C., to delete partial delegation authority to Collier County for No Notice General Permits within Collier County.

### **BACKGROUND**

The District's existing Rule 40E-400.315, F.A.C., contains a partial delegation to Collier County. On February 9, 2006, Collier County submitted a request to pursue a delegation agreement pursuant to subsection 62-344.300(l) F.A.C. for a formal delegation of a portion of the District's Environmental Resource Permitting responsibilities. However, on July 22, 2008, the Collier County Commission voted to withdraw that request and relinquish their existing delegated permitting authority. Collier County considered the following factors in their decision to relinquish their existing delegated permitting authority:

- 1) District has opened a local permit review office in Collier County;
- 2) District has implemented ePermitting on a large scale, has posted their existing files online and sends electronic notifications to interested parties;
- 3) The remaining undeveloped portions of Collier County would either continue to be permitted by the District under any proposed delegation agreement or are already in the process of being built; and
- 4) Workload and permit activity in Collier County has decreased.

Under the existing delegation, Collier County has processed approximately 9 applications per year for the last years. The District will now be responsible for reviewing and permitting these applications. However, it should be noted that some of these projects will still qualify for the District's No-Notice General Permit (Rule 40-E-400.315, F.A.C.). The application workload can be absorbed at this time due to the overall slowdown in permitting activity. However, as the economy improves and permitting activity increases some staffing adjustments may be needed.

### **Staff Contact:**

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**THE TEXT OF THE PROPOSED RULE IS:**

**40E-400.315 No Notice General Permit for Activities in Uplands.**

(1) No Change.

(2) through (2)(b) No Change.

~~(c) Thresholds and Additional Conditions Within Collier County.~~

~~——— 1. The project must have less than 40 acres total land area.~~

~~——— 2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.~~

*Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History— New 10-3-95, Amended 4-14-03, \_\_\_\_\_.*